

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

_____)	
In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and)	WT Docket No. 06-150
777-792 MHz Bands)	
)	
Revision of the Commission's Rules to Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency)	
Calling Systems)	
)	
Section 68.4(a) of the Commission's Rules)	WT Docket No. 01-309
Governing Hearing Aid-Compatible Telephones)	
)	
_____)	

Reply Comments of Alltel Corporation

Alltel Corporation ("Alltel"), through counsel, submits its reply comments in the above-captioned rule making proceeding.¹ In support thereof, the following is respectfully set forth.

¹ See In the Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 04-356, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Section 68.4 of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, *Notice of Proposed Rule Making, Fourth Further Notice of Proposed Rule Making, and Second Further Notice of Proposed Rule Making*, FCC 06-114 (rel. Aug. 10, 2006) 71 Fed. Reg. 48506 (Aug. 21, 2006).

The inapposite positions taken in the comments filed by carriers of vastly different size, scale and scope reinforces the need for the Commission to revisit the current band plan for both the upper and lower 700 MHz and to create as broad based and flexible a set of opportunities at auction for as many differently situated carriers and new entrants as possible. Comments submitted by MetroPCS (“Metro”), the Rural Cellular Association (“RCA”), the Rural Telecommunications Group (“RTG”) United States Cellular Corporation (“USCC”), and Dobson Cellular (“Dobson”), for example, seek revisions to the plan for the unauctioned portions of the 700 MHz Band favoring licenses in smaller spectrum block sizes and covering smaller geographic areas. Numerous parties also pointed to the success of the AWS auction, due in large measure to a band plan that underwent similar revisions pre-auction to those now sought by smaller and regional carriers in this proceeding. CTIA even recognized that a “balanced approach serve[s] the wireless marketplace well” and that “a mix of different sized geographic area licenses serves the Commission’s goals of balancing efficiency with the dissemination of licenses among a variety of applicants.”² Leap Wireless International, Inc. (“Leap”) correctly notes in its comments that “Auction No. 66 for AWS-1 spectrum plainly demonstrated that the lion’s share of spectrum carved into large geographic regions will quickly move beyond the reach and resources of small and mid-sized bidders”³ leading to the conclusion that the public interest is best served by a mix of market sizes and spectrum blocks, which in turn generates the largest number of overall bidders --

² Comments of CTIA at 5-6.

³ Comments of Leap Wireless International, Inc. at 4.

including rural carriers and designated entities -- competing for the various sized market areas.

In Alltel's view, and based upon the outcome of Auction 66, the issue is less about whether rebanding for the 700 MHz is necessary in preparation for auction but rather better focused on which of the various rebanding proposals should be adopted. In this connection, Alltel notes that it has joined with small and mid-sized carriers in supporting a consensus rebanding plan that is being filed this date in docket in this matter.

Alltel opposes the proposal of DirecTV, Inc. and Echostar Satellite, LLC (the "DBS Carriers") to create at least one nationwide 700 MHz license.⁴ While the DBS Carriers assert that the spectrum distribution in the recently concluded AWS auction "made it harder for Wireless DBS to create a nationwide service,"⁵ the lessons of Auction No. 66, are that carriers were in fact able to achieve nationwide coverage with appropriate auction strategies that reflected the value of the spectrum as the success of both T-Mobile and SpectrumCo LLC ("SpectrumCo") in Auction 66 amply demonstrate. To the best of Alltel's knowledge, the Commission has never made spectrum available in the form of a single national license, inasmuch as the numerous public interest concerns of rural service, augmented competition, opportunities for DE's and other issues have provided a more than ample counterbalance to any arguments supporting single nationwide licenses. Similarly, Nextwave -- alone in its comments as are the DBS Carriers -- seeks more

⁴ Comments of DBS Carriers at 3.

⁵ Comments of DBS Carriers at 5.

spectrum for time division duplex (“TDD”) system technologies and suggests that the Commission reapportion the unassigned 700 MHz spectrum to create larger, unpaired blocks that will accommodate TDD services.⁶ But there is no guarantee that TDD systems will succeed in the wireless marketplace and consequently, no spectrum or band plan should be custom tailored to fit Nextwave’s business model or a particular technology. The Commission would be ill advised to make the band plan more inflexible by granting Nextwave’s request.

As to other issues, Alltel agrees with the majority of those filing comments that the previously established service and performance requirements for the 700 MHz band should be retained, and that a predicable renewal standard based upon substantial service should be employed. Given the time lag between the prospective date of license issuance, and the date by which the broadcasters must vacate the spectrum, Alltel also favors providing 700 MHz licensees with a 15 year renewal term. Each of the issues has been amply discussed in the record in this proceeding.

Respectfully submitted,

Alltel Corporation

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⁶ Comments of NextWave Broadband Inc. (“NextWave”) at 6.

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